

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MIKE YELLEN,

2:10-CV-1976 JCM (PAL)

Plaintiff,

V.

BOYD GAMING,

Defendant.

## ORDER

Presently before the court is the report and recommendation of United States Magistrate Judge Peggy A. Leen. (Doc. #4). Plaintiff Mike Yellen filed an opposition. (Doc. #5).

16       Upon reviewing plaintiff's second motion/application to proceed *in forma pauperis* (doc. #3),  
17 Judge Leen filed a report and recommendation (doc. #4), recommending that plaintiff's application  
18 to proceed *in forma pauperis* (doc. #3) be denied.

19 In the plaintiff's opposition, he states that "[t]he only expense that was noted was [p]laintiff's  
20 insurance payment," and that "[t]here is an additional cost of \$1,300.00 that was not taken into  
21 consideration." (Doc. #5). Plaintiff claims that "[t]here are other cost [sic] that are paid, but not each  
22 month; i.e. toothpaste, toilet paper, cleaning items, items to wash cloths [sic], dog and bird food,  
23 hygiene items, clothes, paper, pens. Plaintiff did not add these cost [sic], as they vary from time to  
24 time, and are not paid each month, yet are expenses that must be incurred by [p]laintiff." *Id.*

25 Plaintiff has failed to show the court why his motion/application to proceed *in forma*

1 *pauperis* should be granted. First, plaintiff failed to include this sum in section six<sup>1</sup> of his application  
2 (doc. #3) under “other regular monthly expenses.” Second, even if the court considers these to be  
3 “regular monthly expenses,” the items listed do not support a sum of \$1,300.00 a month. As plaintiff  
4 has failed to provide any legal justification to support his opposition, the court is inclined to affirm  
5 Judge Leen’s report and recommendation. (Doc. #4)

6 Upon review of the magistrate judge’s finding and recommendation (doc. #4) and plaintiff’s  
7 objection to the report and recommendation (doc. #5),

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the report and  
9 recommendation of United States Magistrate Judge Peggy A. Leen (doc. #4) is AFFIRMED in its  
10 entirety.

11 IT IS FURTHER ORDERED that plaintiff Mike Yellen’s motion/application to proceed *in*  
12 *forma pauperis* (doc. #3) be, and the same hereby is, DENIED.

13 DATED April 7, 2011.

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16 UNITED STATES DISTRICT JUDGE  
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26 <sup>1</sup>Section six of the motion/application asks the plaintiff to provide the court with “[a]ny  
27 housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and*  
28 *provide the amount of the monthly expense*).” (Doc. #3) (emphasis supplied). Plaintiff listed only  
“[g]as & electric \$200.00; [f]ood \$300.00; [h]ousing [e]xpense \$800.00.” *Id.*